

ASSEMBLY BILL

No. 893

Introduced by Assembly Member Walters

February 22, 2007

An act to amend Sections 13200.5 and 22348 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 893, as introduced, Walters. Vehicles: speeding.

(1) Existing law makes it an infraction to drive a vehicle upon a highway at a speed greater than 100 miles per hour, punishable upon a first conviction by a fine not exceeding \$500. The court may, upon a first conviction, suspend the person's privilege to operate a motor vehicle for a period not to exceed 30 days. Existing law authorizes a fine not to exceed \$750, upon a 2nd conviction within a specified time period, and a fine not to exceed \$1,000, upon a 3rd conviction within a specified time period, and requires, upon that 2nd or 3rd conviction, the person's privilege to operate a motor vehicle to be suspended by the Department of Motor Vehicles.

This bill instead would make it an infraction to drive a vehicle upon a highway at a speed of 100 miles per hour or more, and would require a minimum fine of \$300 to be imposed upon any conviction of that offense. The bill also would require, rather than authorize, upon a first conviction, the court to suspend the person's privilege to operate a motor vehicle for 30 days.

Because the bill would change the definition of a crime and change the penalty for a crime, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13200.5 of the Vehicle Code is amended
2 to read:

3 13200.5. Whenever ~~any~~ a person licensed ~~under~~ pursuant to
4 this code is convicted of a violation of subdivision (b) of Section
5 22348, the court ~~may~~ shall, unless this code makes mandatory a
6 revocation by the department, suspend the privilege of the person
7 to operate a motor vehicle for a period of ~~not to exceed~~ 30 days.

8 SEC. 2. Section 22348 of the Vehicle Code is amended to read:

9 22348. (a) Notwithstanding subdivision (b) of Section 22351,
10 a person shall not drive a vehicle upon a highway with a speed
11 limit established pursuant to Section 22349 or 22356 at a speed
12 greater than that speed limit.

13 (b) A person who drives a vehicle upon a highway at a speed
14 ~~greater than~~ of 100 miles per hour *or more* is guilty of an infraction,
15 punishable; as follows:

16 (1) Upon a first conviction of a violation of this subdivision, by
17 a fine of *at least three hundred dollars (\$300), but* not to exceed
18 five hundred dollars (\$500). The court ~~may~~ shall also suspend the
19 privilege of the person to operate a motor vehicle for a period ~~not~~
20 ~~to exceed~~ of 30 days pursuant to Section 13200.5.

21 (2) Upon a conviction ~~under~~ pursuant to this subdivision of an
22 offense that occurred within three years of a prior offense resulting
23 in a conviction of an offense ~~under~~ pursuant to this subdivision,
24 by a fine of *at least three hundred dollars (\$300), but* not to exceed
25 seven hundred fifty dollars (\$750). The person's privilege to
26 operate a motor vehicle shall be suspended by the Department of
27 Motor Vehicles pursuant to subdivision (a) of Section 13355.

28 (3) Upon a conviction ~~under~~ pursuant to this subdivision of an
29 offense that occurred within five years of two or more prior
30 offenses resulting in convictions of offenses ~~under~~ pursuant to this

1 subdivision, by a fine of *at least three hundred dollars (\$300), but*
2 *not to exceed one thousand dollars (\$1,000).* The person's privilege
3 to operate a motor vehicle shall be suspended by the Department
4 of Motor Vehicles pursuant to subdivision (b) of Section 13355.

5 (c) A vehicle subject to Section 22406 shall be driven in a lane
6 designated pursuant to Section 21655, or if a lane has not been so
7 designated, in the right-hand lane for traffic or as close as
8 practicable to the right-hand edge or curb. When overtaking and
9 passing another vehicle proceeding in the same direction, the driver
10 shall use either the designated lane, the lane to the immediate left
11 of the right-hand lane, or the right-hand lane for traffic as permitted
12 ~~under~~ *pursuant to* this code. If, however, *a* specific lane or lanes
13 have not been designated on a divided highway having four or
14 more clearly marked lanes for traffic in one direction, a vehicle
15 may also be driven in the lane to the immediate left of the
16 right-hand lane, unless otherwise prohibited ~~under~~ *pursuant to* this
17 code. This subdivision does not apply to a driver who is preparing
18 for a left- or right-hand turn or who is in the process of entering
19 into or exiting from a highway or to a driver who is required
20 necessarily to drive in a lane other than the right-hand lane to
21 continue on his or her intended route.

22 SEC. 3. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.